

TATE RECORDS MANAGEMENT POLICY

Adopted November 2013

Date of next review: November 2018

1. Introduction

1.1 Link to legislation and strategy

Records management is linked to Tate's overall strategy outlined in the '2015 Vision' under the theme of 'Improving Tate' and 'Sustainability' where it states:

'We seek to streamline our operations to make them as efficient as possible'.

Records management is therefore of critical importance to the smooth running of Tate – an 'information rich organisation', for practical business reasons: providing a clear audit trail for decisions and expenditure and saving time and money through being able to find the right information in the right place at the right time, thus protecting Tate's reputation when challenged. Tate also has to comply with the following legislation and standards.

- The Public Records Acts - Tate is a Public Record Body under the **Public Records Act 1958** and is also designated as a 'Place of deposit' under this Act. This designation enables Tate to retain the records selected for deposit as permanent public records and places a duty upon Tate to 'require arrangements to be made for their inspection (records) by the public comparable to those made for public records in the Public Record Office (now 'The National Archives) (s5 (5)). The Act includes records in all formats: 'records' includes not only written records but records conveying information by any other means whatsoever'. (s10 (1) *Public Records Act 1958*)
Application for withholding records from the public beyond the statutory period (see below) /Freedom of Information Act exemptions has to be made to the Lord Chancellor's (Advisory **Council** Committee) (s. 5 (2))as does the disposal of records 'in any other way ' (s6) other than destruction e.g. if they were to be considered for donation to another public body.
- Tate is therefore subject to inspection by The National Archives' (TNA) Place of Deposit Officer and so has to conform to best practice for the storage of records which is currently *BS ISO 5454: 2000 Recommendations for storage and exhibition of archival documents*.
- Tate is subject to the **Constitutional Reform and Governance Act 2010** (amending the Public Records Act 1967 '30 year rule' for the retention of records prior to appraisal to 20 years). Compliance for this legislation is being brought in gradually over a ten year period up to 2022. Records held at Tate will be reviewed in line with the timetable issued by The National Archives.
- Tate is subject to the **Freedom of Information Act 2000** and records management underpins Freedom of Information. Tate is therefore subject to compliance with the *Lord Chancellor's Code of Practice on the management*

of records issued under section 46 of the Freedom of Information Act 2000 which states:

‘Freedom of information legislation is only as good as the quality of the records and other information to which it provides access.... It benefits those holding the requested information because it enables them to locate and retrieve it easily within the statutory timescales or to explain why it is not held’.

- Under the **Data Protection Act 1998**, Tate has an obligation to retain personal data only for as long as there is a business need to do so. Effective records management is therefore essential to compliance with this Act.
- Related legislation – Copyright, design and Patents Act 1988 and any subsequent Act.

1.2 Purpose

The purpose of this policy document is to ensure that Tate:

- has appropriate records to meet its business needs;
- manages its records in line with relevant legislation and best practice;
- clearly defines responsibilities and accountability for records;
- provides staff with details of standards procedures to manage records together with related Tate policies.

1.3 Definitions

A record is ‘information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business’.

(BS ISO 15489 – 1:2001 Information and documentation. Records management)

The Public Records Act 1958 stipulates that ‘records are not only written records but records conveying information by any other means whatsoever’.

Tate’s definition combines these two definitions as follows:

‘Records are any recorded information, regardless of format, created, received and maintained as evidence by Tate in pursuance of all of Tate’s legal obligations, activities and business transactions’.

Records management is therefore ‘the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records’.

(BS ISO 15489 – 1:2001 Information and documentation. Records management)

2. Policy statement

- All Tate staff will create, keep and manage authentic, reliable and usable records, in all appropriate formats which comprise sufficient content, context

and structure for as long as they are required to provide evidence of all of Tate's activities. These records will meet the legal, regulatory, fiscal, operational and archival/historical needs of Tate and all internal/external stakeholders.

All records will be managed throughout their life cycle in line with relevant legislation as listed under 1.1.

Tate will therefore work towards implementing best practice for records management as included in the following:

- Lord Chancellor's Code of Practice on the Management of Records as issued under s.46 of the Freedom of Information Act 2000;
- BS ISO 15489 – 1:2001 Information and documentation. Records management;
- BS 10008:2008
Evidential weight and legal admissibility of electronic information

Tate will follow appropriate advice or guidance provided by The National Archives (TNA) on any aspect of records management.

All Tate staff will follow the standards and guidance created to support this policy including *Creating and using records*, *Using the corporate file plan*, *Reviewing records*, which will be published on the intranet, together with the relevant corporate file plans.

Related Tate Policies and strategies which support the implementation of this policy:

- IS Security Policy 2010
- Tate Digital Preservation and Continuity Policy and Strategy 2011
- Disaster planning - A Disaster Planning Policy for the Collection Care Division, which will include records, will be devised in 2013. Identification of vital business records has been completed by some departments; all departments will be required to do so.

3. Scope of the policy

The policy applies to all records irrespective of the technology used to create and store them, the format (e.g. image, recording) or the type of information they contain. It includes, therefore, not only paper files, Microsoft Office drives but also business and information systems (for example ,relationship management, finance systems) and the contents of the website.

The policy applies to all staff at Tate and all aspects of their work, regardless of division or department.

4. Retention and disposal of records

- All staff will file their corporate records on the T drive or the appropriate system. They will implement the Retention and Disposal schedules which are

indicated on each file plan based on a combination of statutory requirements, Tate's business needs, e.g. administrative, legal and historical value.

- Whilst many records will be generated electronically initially, those requiring longer term retention and/or permanent preservation, will continue to be transferred to the central repository on paper until arrangements for public access to electronic public records have been made and an electronic records system is in place at Tate.
- Other arrangements will be made for the long term retention of non-paper based digital multi-media records as part of the Digital Preservation Policy when appropriate.
- Appraisal (or 'review') of records in order to comply with the introduction of the new legislation reducing the maximum period of retention of records prior to appraisal for permanent retention, from 30 – 20 years, will be phased in gradually from January 2013 -2023.
- Once deposited at Tate, full public access must then be given to these records unless they are closed under the relevant exemptions under the Freedom of Information Act according to the phased introduction of the 20 year rule to 2013. The Advisory Council on National Records and Archives must validate all closures of historical public records aligning to this phased introduction of the 20 year rule timetable. This means that if any records need to be withheld for more than 20 years, an application has to be made to the Advisory Council in order to do so.

5. Roles and responsibilities

Effective records management is a shared responsibility as follows:

- The Tate Board has responsibility for the oversight of the policy, in ensuring that Tate is meeting its legal requirements, and considering the risks associated with insufficient record management of business activities.
- Directors are responsible for ensuring the implementation and promotion of compliance with the records management policy, procedures and programme, within their directorate.
- Departmental managers are responsible for ensuring that adequate records are kept for the activities for which they are accountable in accordance with Tate's policies and guidelines and liaise with the Gallery Records Manager when required for advice and transfer records to Gallery Records when required.
- The managers of each team and/or Information Asset Owners will perform the first review of their specific records in line with the retention schedule and disposal schedules on the file plans, following standards and procedures for reviewing and transferring records.

- Information Asset Owners are responsible for record security prior to the transfer of the records to the Gallery Records Team in line with Tate's Information Security policy.
- The Gallery Records Manager (Jane Kennedy) has overall responsibility for coordinating all aspects of records management, across all Tate sites to ensure compliance with the relevant legislation; development of policies, standards and record management systems throughout the record life cycle, regardless of format, from creation to disposal. The Records Manager will also liaise with relevant groups to ensure the consideration of records management issues when planning or implementing ICT systems, extending access for staff to new technologies or major changes to Tate; provide records management induction and related staff training; liaise with The National Archives, manage the Place of deposit and the Gallery Records Team.
- The Gallery Records Team staff, under the management of the Records Manager are responsible for answering enquiries relating to Tate's records, doing the first review of requested files (in line with the Public Records Acts and any subsequent amending legislation, Freedom of Information Act and Data Protection Act); appraising records prior to disposal / being placed on deposit and cataloguing all records transferred to the Gallery Records store / put on permanent deposit.
- The Information Systems Directorate is responsible for the provision of IT systems and infrastructure to support the effective management of electronic records in all formats.
- File plan administrators, (appointed from within existing teams) are responsible for managing the folders for which their team is the principal user in the shared T drive file plan and for providing day to day advice and support to their colleagues.
- All individual members of staff, regardless of their position in the organisation, are responsible for creating and maintaining corporate records of all their activities and decisions, filing them in the T drive and disposing of them in accordance with the established records management policy, procedures and guidelines.

6. Monitoring of compliance

There is a need to safeguard Tate's reputation. Failure to comply with the records management policy and procedures could put Tate's reputation at risk:

- through the issue of a public notice from the Information Commissioner's Office for non-compliance with the Lord Chancellor's Code of Practice on the Management of Records as issued under s.46 of the Freedom of Information Act 2000;
- through the loss of place of deposit status under Public Records Act due to inadequate storage facilities;
- failure to appraise records and place them on deposit
- through failure to comply with the new '20 year rule' via reports to Government ministers from The National Archives, or damaging press

coverage after a poor response from a Freedom of Information request due to poor records management.

Since failure to comply with the records management policy and procedures set out above could put Tate's reputation at risk, the monitoring of compliance with relevant legislation and best practice standards and guidance will be undertaken on an ongoing basis as part of the work of records management through spot checks and reviews of the T drive.

Staff have a responsibility 'to ensure compliance with organisational policies and procedures' as stated in Tate's 'Success factors', Tate 2011, under 'Managing resources (Focus) and Managing activity (Success factor).

7. Communication and review of the policy

This records management policy is available to all Tate staff via the intranet. A summary of key points of the policy are provided in Appendix 2. Attendance by new staff at the records management induction session is mandatory together with any training organised for specific departments/sites

The Gallery Records Manager is responsible for the implementation, updating and review of this policy. The Director of Collection Care, as strategic risk owner, will provide regular assurance to the Board of Trustees on the effectiveness of controls to mitigate the risk of loss, damage or compromised integrity of Tate records. The policy was agreed and accepted by Audit Committee in November 2013 and will be reviewed in 2016 or beforehand in the event of any substantial change in legislation.

December 2013

APPENDIX 1

SUMMARY OF POLICY

1. Definition of a record

‘Records are any recorded information, regardless of format, created, received and maintained as evidence by Tate in pursuance of all of Tate’s legal obligations, activities and business transactions’.

2. Policy statement

Tate staff will create, keep and manage authentic, reliable and usable records, in all appropriate formats which comprise sufficient content, context and structure for as long as they are required to provide evidence of all of its activities.

3. Scope of policy

The policy applies to all records irrespective of the technology used to create and store them, the format (e.g. image, recording) or the type of information they contain. It includes, therefore, not only paper files, Microsoft Office drives but also business and information systems (for example, relationship management, finance systems) and the contents of the website.

The policy applies to all staff at Tate and all aspects of their work, regardless of division or department.

4. Responsibilities

- All new staff must attend the Records management induction session.
- All individual members of staff, regardless of their position in the organisation, are responsible for:
 - creating and maintaining corporate records on the T drive /line of business systems of all their activities and decisions in line with the records management standard and procedures; (insert link)
 - reviewing and disposing of records , together with their managers, in accordance with the established records management standards and procedures which are on the intranet (insert position/link).
- All staff will use the T drive for their corporate records and then follow the Retention and Disposal schedules which are indicated on each file plan, based on a combination of statutory requirements, Tate’s business needs and potential historical value.